

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

JOHN TIESO,

Plaintiff,

v.

THE CATHOLIC UNIVERSITY
OF AMERICA,

Defendant.

Civil Action No.
1:22-CV-00031 (PTG-JFA)

AFFIDAVIT OF ANDREW ABELA

DISTRICT OF COLUMBIA, TO WIT:

I, Andrew Abela, am over 18 years of age, competent to testify, and have personal knowledge of the facts set forth herein.

1. I am Dean of the Tim and Steph Busch School of Business and Economics (“Busch School of Business”) at The Catholic University of America (“CUA”).

2. In my capacity as Dean of the Busch School of Business, I am responsible for the proper function of the School, including but not limited to: strategic planning; admitting students to the School; maintaining the School’s programs; and managing the School’s budget and policies. In addition, in conjunction with the Senior Vice Provost for Academic Administration, I handle faculty appointments, reappointments, promotions, and tenure for the School.

3. On September 18, 2019, based in part on my recommendation, John Tieso (“Mr. Tieso”) was appointed, effective August 19, 2019, as an Adjunct Assistant Professor and associated with the Busch School of Business in such capacity for a one-year term through August 19, 2020.

4. At no point during his service to the Busch School of Business was Mr. Tieso a regular member of the Faculty; he was only associated with the Faculty, with his highest rank being the one-year appointment as Adjunct Assistant Professor.

5. Following his appointment to the one-year term as an Adjunct Assistant Professor, Mr. Tieso was assigned to teach three courses during the Fall 2019 semester, from August to December 2019. Mr. Tieso taught all three of those courses and was paid all salary therefor.

6. Similarly, Mr. Tieso was assigned to teach two courses during the Spring 2020 semester, from January to May 2020. He taught both of those courses and was paid all salary.

7. Going into the Summer 2020 semester, which ran from May 18, 2020 to August 1, 2020, Mr. Tieso was scheduled to teach two courses. The Summer 2020 semester consisted of two sessions, with the first session running from May 18, 2020 to June 28, 2020 and the second session running from June 29, 2020 to August 1, 2020. Mr. Tieso's two courses were originally scheduled to begin on May 18, 2020, and he was to be paid \$4,000.00 per course.

8. On May 5, 2020, I and others at CUA received an anonymous complaint "from a student at another university" outside CUA regarding certain social media activity by Mr. Tieso. Specifically, the complainant referred to Mr. Tieso's Twitter account and certain particular posts Mr. Tieso had made, which the complainant characterized as involving racism. A copy of the complaint I received is attached hereto as Exhibit B-1, and copies of the posts referenced by the complainant are attached hereto as Exhibit B-2.

9. That same day, CUA was also contacted by a local media reporter who inquired regarding Mr. Tieso's Twitter account. The local media reporter advised CUA that five CUA students had also made similar complaints about Mr. Tieso, although CUA never learned the identity of any such students.

10. On the morning of May 6, 2020, I spoke briefly with Mr. Tieso to let him know of the complaint and to suggest that he take down his Twitter account for the time being, to which he agreed. He took down the Twitter account that same morning. Shortly thereafter, later that month, Mr. Tieso's Twitter account was reactivated, and he began to post/tweet again. I had no further discussion with Mr. Tieso about the Twitter account following the brief May 6, 2020 phone call.

11. Over the next couple weeks CUA was contacted by others about Mr. Tieso, including alumni and the parents of a student.

12. In light of a report of possible racial comments being made in the classroom by Plaintiff, CUA's Chief Ethics and Compliance Officer, Vin Lacovara, was tasked in the May 16-19, 2020 timeframe with investigating the complaints against Mr. Tieso in context with CUA's policies and procedures.

13. The investigation was conduct and prepared by Mr. Lacovara at the direction of CUA's General Counsel for the purpose of gathering information so that General Counsel could provide advice to CUA.

14. At that same time, when I learned on May 16, 2020 that Mr. Tieso was scheduled to teach two courses during the Summer 2020 semester, I decided to postpone those courses to allow time for CUA's investigation to be completed.

15. On May 18, 2020, Harvey Seegers, Associate Dean of the Busch School of Business, emailed Plaintiff stating:

John,

I have tried, but have been unable, to reach you by phone. The urgency of this matter necessitates I send this email.

[Dean Abela] has decided to postpone your Session One Summer Courses to Summer Session Two. His office has received additional complaints, some from alumni, regarding your Twitter comments. Accordingly, an investigation will be

conducted by the Provost's Office to determine the facts. [Dean Abela] has determined to suspend your teaching pending completion of the investigation.

16. Mr. Tieso's two Summer 2020 semester courses were rescheduled for the Second Session, to begin on June 29, 2020.

17. During the course of the investigation, on or about June 11, 2020, Mr. Lacovara contacted and offered Mr. Tieso an opportunity to be interviewed and heard. Mr. Tieso declined that offer.

18. On or about June 18, 2020, Mr. Lacovara's investigation was completed.

19. On June 23, 2020, I emailed Plaintiff, stating:

Dear John,

We have completed our investigation of the recent complaints we received about your Twitter activity. We have concluded that several of your tweets, including those about Barack Obama, Michelle Obama and Hillary Clinton, would be interpreted by a reasonable person to be racist and/or sexist, especially in the context of the general tone of your tweets, and inconsistent with the respect for human dignity that is at the core of the mission of the Busch School of Business. It's worth noting the important distinction between your delivering a vigorous and forceful argument for a position on the one hand, which we support, and your delivering one that is spiteful, degrading, and lacking in charity on the other, which we do not support or accept. Unfortunately your tweets seem to be very much of the latter kind.

As you know, we expect all faculty in the Busch School of Business not only to be great classroom teachers, as you have been, but also to be great role models for our students. Your Twitter activity as I have described it above is inconsistent with being such a role model, and therefore you will not be teaching any future classes, and I will not be renewing your teaching appointment.

Thank you for your years of service to our students, and I am disappointed that they had to end this way.

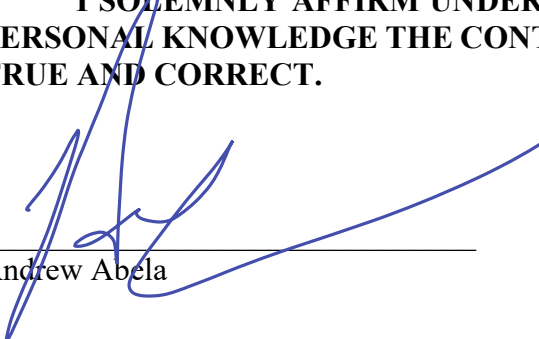
20. Plaintiff did not teach either of the courses he was scheduled to teach in the Summer 2020 semester; however, he was paid the full \$4,000.00 for each course (\$8,000 total for the 2020 Summer semester).

21. In fact, when Mr. Tieso's two Summer 2020 semester courses were postponed from the First Session to the Second Session, enrollment in one of the courses fell to only three students. Pursuant to its policy, CUA actually sought to adjust Mr. Tieso's pay for the three-student course from \$4,000.00 to \$2,000.00. He was sent a "Revised Contract Appointment for Instruction" which he rejected. Nevertheless, Mr. Tieso was still paid the full \$4,000.00 rate for the course, even though he never taught the course.

22. On August 19, 2020, Plaintiff's appointment as an Adjunct Assistant Professor expired per the terms of his appointment letter and Section II-G-1.185 of Part II of the Faculty Handbook.

23. The attached documents, as set forth in the Index of Exhibits to this affidavit (Exhibits B-1 and B-2), are true and accurate copies of records that are maintained by The Catholic University of America.

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY THAT UPON PERSONAL KNOWLEDGE THE CONTENTS OF THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT.



Andrew Abela

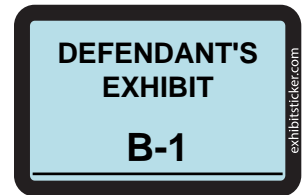
Date

2/15/22

Index of Exhibits to the
Affidavit of Andrew Abela

<u>Exhibit</u>	<u>Document</u>
B-1	Anonymous Complainant dated May 5, 2020
B-2	Twitter Posts referenced by Anonymous Complainant

EXHIBIT B-1



----- Forwarded message -----

From **Andrew Abela** deanabela@cua.edu
Date: Tue, May 5, 2020 at 6:08 PM
Subject: Fwd: Disturbing racist tweets from professor Tieso
To: Andrew V Abela <abela@cua.edu>

Forwarded message

From: **Your Friend** <squared1738@gmail.com>
Date: Tue, May 5, 2020 at 1:19 AM
Subject: Disturbing racist tweets from professor Tieso
To: DeanAbela@cua.edu

Hello,

I'm a student at another university and have a couple friends that go to Catholic. One of them shared with me a tweet by professor John Tieso — he teaches database management and management information. The tweet very clearly shares support for a comic depicting Michelle Obama in racist stereotype. Here's a link.

<https://twitter.com/johntieso/status/1257401977044115456?s=12>

From what I understand, this kind of content isn't very abnormal from this professor. There are more tweets, like this one — which willfully ignores the structural health issues killing black people and people of color to imply that black people have weaker immune systems than white people (which is, obviously, racist).

<https://twitter.com/johntieso/status/1248248898826563584?s=21>

Or this one — Obama “perhaps might consider staying in Africa.”

<https://twitter.com/johntieso/status/1019591293989683200?s=21>

There are lots of other racist tweets from this guy.

I do not want this message to be shared directly with professor Tieso because I do not want there to be retaliation against any of my friends at Catholic. I will not be responding to any replies, though I would like to hear if you receive and read this email, and would appreciate hearing your thoughts about this email.

One of my friends who has taken classes with Tieso is a person of color. I know these tweets make my friend less comfortable in class, and that Catholic is a less welcome campus to them because of Tieso's use of twitter.

I cannot speak for how he operates his classroom, but I want to point out that Tieso's **behavior this isn't** simply “politically incorrect” content. This is obviously racist content, which reminds me of stereotypes, tropes and willful **ignorances** that have helped **killed** and harmed black people in our country for centuries. Furthermore, these racist tweets are being sent to some 30,000 followers. I suspect you do not want your department being publicly represented to tens of thousands of people with this kind of behavior.

If this happened at my school, I would do everything in my power to make sure this behavior was clearly marked unacceptable. I bring this to you not out of anger, but out of genuine concern for people I love and for people of color on your campus. I hope you share my concern, and address this racist behavior as you see fit.

Sending all my best in this difficult time,

A friend of students in your department

--

Andrew V. Abela, Ph.D.
Dean, Busch School of Business
The Catholic University of America

EXHIBIT B-2

Post #1: <https://twitter.com/johntieso/status/1257401977044115456?s=12>



John Tieso
@johntieso

...

Truly no comparison



Kinkel @ken_kinkel · May 4, 2020

Replying to @johntieso and @donlemon

There is no comparison!



4:09 PM · May 4, 2020 · Twitter Web App

Post #2 <https://twitter.com/johntieso/status/1248248898826563584?s=21>



John Tieso
@johntieso

...

Too much political hijacking of a serious medical crisis. If ethnically black are more susceptible, that is a medical issue. The Democrats grasp it as yet another reason to hate Trump. Perhaps God is racist for his part in creation.

9:58 AM · Apr 9, 2020 · Twitter Web App

2 Retweets 1 Quote Tweet 5 Likes



Post #3: <https://twitter.com/johntieso/status/1019591293989683200?s=21>:

